



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,892	06/19/2003	Matthew T. Spathas	105466-018UTL	5911

27189 7590 11/28/2007
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
----------	--------------

2616

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/28/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
PTONotifications@procopio.com

Office Action Summary

Application No.

10/600,892

Applicant(s)

SPATHAS ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office is responsive to Amendment filed on 09/19/2007. The Amendment has been entered. Claims 1-15 are pending.

Claim Objections

1. Claim 11 is objected to because of the following informalities:

In claim 11, the phrase "the wireless LAN access points "lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 9, 10 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Neil Stuart, The Benefit of Integrated Systems: A Case Study. Pages 1-7. Hereinafter referred to as Stuart.

Regarding claim 1, Stuart discloses providing network access to towers building (claimed providing network access to a building) comprising:

Providing latest fiber technology and integrated system to the towers including high speed, all the floors are linked by an optical fiber backbone, see page 1, left side paragraph 1, and page 6 paragraph 2 titled Specific Network Requirements; (Claimed providing a high speed, integrated communications network that provides network connectivity throughout the building); integrating IT and management system in which

property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph (Titled The solution) and paragraph on the right side (titled Approach to system design), (claimed integrating the communications network with other building systems); enabling centralized monitoring and operation of security, building management, and interactive multimedia applications, see page 1 , paragraph on the right side (titled Approach to system design), (claimed automating and centralizing network management and maintenance in a network manager); and assuring high bandwidth requests, see page 6, left side paragraph entitled Network Design, Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, Stuart, in addition, specify that any future upgrade to the optical fiber backbone and ATM switches do not adversely affect the operation of the system, because of scalability and modularity. Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, Also purchasing bandwidth in bulk is inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit, also traveling business visitors have immediate access to web browsing services (see page 2). (Claimed aggregating the network bandwidth needs of the building by purchasing bulk bandwidth from a bandwidth grid and providing the bulk bandwidth at a core switch connected to the communications network; and delivering the network bandwidth to building tenants as needed by dividing up the bulk bandwidth and distributing the divided up bulk bandwidth to a plurality of

building switches connected to the core switch, the building switches capable of supplying the divided up bulk bandwidth to individual tenants).

Regarding claim 2, as discussed above, the communication network is a fiber optic.

Regarding claims 9 and 10, Stuart discloses centralized monitoring, and operation as well as building management, in addition to the system scalability, see page 1, right hand column). (The scalability feature in combination with the monitoring and management implicitly provides for the claimed automating further comprises documenting a change to the communications network, as in claim 9; and automating further comprises documenting an upgrade to the communications network, as in claim 10).

Regarding claim 13, Stuart discloses enabling centralized monitoring and operation of security, building management, and interactive multimedia applications, within the proximity of the building. see page 1 , paragraph on the right side (titled Approach to system design). (claimed the network manager is an on-site network manager).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart.

Regarding claim 4 and 5, Stuart discloses integrated IT and management system infrastructure offering a client a single-seated operation solution, paragraph titled: The Solution, page 1. Stuart further discloses centralized monitoring and operation, see paragraph titled: Approach to System Design. Stuart doesn't specify tower occupants can report network issues and request service using a centralized web site (Claimed operates a central website from which building tenants can report network issues and request service (as in claim 4), or providing access to other tower services and amenities using the web site (as in claim 5).

However, Examiner had taken official notice that using a web site to report network issues and request service and or accessing any other service available is notoriously known in the art. Since official action is taken, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to provide a web site for the occupants of Stuart towers in a known fashion. A person would recognize the need to provide a web site for various services as suggested by the nature of the centralized operation of Stuart, in addition to the Internet access availability of all the occupant which make the requests and access to various services over the Internet cheaper and easier to manage over traditional communication systems.

Regarding claim 12, Stuart discloses a system that has flexibility and ease of adding new system feature. Stuart does not specify the integrated system being an off-

site integrated system. However, It would have been obvious to a person of skill in the art, at the time the invention was made to make the integrated management system at on off-site in lieu of an on site system. A person of skill in the art would do so by recognizing the ease of adding new system feature as suggested by Stuart, the new system feature can be a remote management system using the Internet. It is also advantageous to subcontract the administration operation and maintenance of Stuart system to a remote service administrator that are experts in the field of office/or building management.

Regarding claim 14, as indicated above with regard to parent claim, Stuart's benefit is to reduce cost and make more profit. Stuart is driven by reduction in cost such that it is implicit to negotiate the bandwidth with an ISP (Internet Service Provider) in order to provide the shared ATM backbone among tenant and visitors of the tower as evidenced by the inherent desirability of the new visitors of avoiding the burdensome aspect they have to go through in establishing an Internet connection especially during short visits.

4. Claims 3, 6, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Cook, US 2004/0165545.

Regarding claim 3, Stuart while disclosing the communication network being a fiber optic network, it doesn't specify the communication network comprises a plurality of wireless LAN access points (as in claim 3 and 11).

Regarding claim 6, Stuart discloses providing network bandwidth access to towers building (claimed delivering network bandwidth as a utility to a multi-occupant facility) comprising:

A process in which engineering and project management are joined to provide a wired connectivity to all floors of a towers building using high speed backbone fiber optic, see page 2, right-hand column, and page 6, paragraph titled Specific Network Requirement, (claimed coordinating the design and installation of a high speed fiber optics communications network that provides wired "and wireless" network connectivity throughout the facility); assuring high bandwidth users requests in highly dynamic and changing environment, see page 6, left side paragraph entitled Network Design, Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, (claimed the high speed fiber optics communications network comprising a backbone with a plurality of building switches connected to the backbone. Stuart, in addition, specify that any future upgrade to the optical fiber backbone and ATM switches do not adversely affect the operation of the system, because of scalability and modularity. Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, Also purchasing bandwidth in bulk is inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit, also traveling business visitors have immediate access to web browsing services (see page 2). (claimed obtaining network bandwidth in bulk to meet the bandwidth needs of all

occupants of the facility by purchasing the network bandwidth from a bandwidth grid and providing the network bandwidth to the bulk core switch; delivering the network bandwidth to the occupants of the facility as needed dividing the network bandwidth and providing a portion of the network bandwidth to one of the plurality of building switches as needed); integrating IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph, (claimed maintaining, managing and servicing the communications network).

While Stuart discloses the network provides for wired connections, it doesn't specify providing wireless connection.

As to claims 3, 6 and 11, Cook discloses a communication network comprises a plurality of wireless LAN access points, the communication network being a fiber optic, (as in claim 3), and the communication network provides wireless connection (as in claim 6). See paragraphs [0028]-[0029].

Therefore, it would have been obvious to a person of skill in the art, at the time the invention was made to provide the fiber optic backbone of Stuart with the wireless LAN access points as taught by Cook so that wireless access to the internet can be provided in the Stuart Towers. The advantage would be the capability and the convenience to browse the Internet from almost any location in and around Stuart' s towers. Providing such wireless service would attract of more customers, resulting in more profits.

Regarding claim 7, Stuart doesn't specify the network bandwidth is sold to the occupants of the towers (claimed facility) with a built-in profit margin. However, it would have been obvious to a person of skill in the art, at the time the invention was made to provide bandwidth to the occupant of Stuart's towers with built-in profit margin. A person of skill in the art would be motivated to do so by recognizing the benefit of attracting more customers, while still making income from the provided bandwidth since the operation and maintenance cost of Stuart are drastically reduced by the Stuart integrated services. (Stuart, page 1, paragraph titled benefits).

Regarding claim 15, as indicated above with regard to parent claim , Stuart's benefit is to reduce cost and make more profit. Stuart is driven by reduction in cost such that it implicit to negotiate the bandwidth with an ISP (Internet Service Provider) in order to provide the shared ATM backbone among tenant and visitors of the tower as evidenced by the inherent desirability of the new visitors of avoiding the burdensome aspect they have to go through in establishing an Internet connection especially during short visits.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Cutrer et al, Building the FO Infrastructure, IEEE 1995, pages 13-17. Hereinafter referred to as Cutrer.

Regarding claim 8, Stuart discloses providing latest fiber technology and integrated system to the towers including high speed, all the floors are linked by an optical fiber backbone, see page 1, left side paragraph 1, and page 6 paragraph 2 titled

Specific Network Requirements. (Claimed an integrated data communications network for an office building comprising: fiber optics network infrastructure and equipment connectivity throughout the building); the optical fiber backbone linking all the floors, see page 1, left side paragraph 1, and page 6 paragraph 2 titled Specific Network Requirements. Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, Stuart, in addition, specify that any future upgrade to the optical fiber backbone and ATM switches do not adversely affect the operation of the system, because of scalability and modularity. Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, (claimed plurality of building switches coupled to the "single point of access" for delivering portions of the bandwidth to individual tenants); Also purchasing bandwidth in bulk is inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit, also traveling business visitors have immediate access to web browsing services (see page 2). (Claimed a single point of access coupled to the fiber optics network infrastructure for provision of bandwidth by network service providers, a portion of said bandwidth purchased from a bandwidth grid); centralizing monitoring and operation of security, building management, and interactive multimedia applications, see page 1, paragraph on the right side (titled Approach to system design), (claimed automated and centralized network management and maintenance).

Stuart doesn't specify providing wireless LAN access points configured to provide wireless network access coupled to the fiber optics network infrastructure configured to provide wireless network access throughout the building.

However, Cutrer discloses providing LAN wireless access coupled to a fiber optics network infrastructure configured to provide wireless network access throughout a building, See, figure 1 and page 14, paragraph titled Fiber Optic Backbone.

Therefore, it would have been obvious to a person of skill in the art, at the time the invention was made to provide the fiber optic backbone of Stuart with the wireless LAN access points as taught by Cutrer so that wireless access to the internet can be provided in the Stuart Towers. The advantage would be the capability and the convenience to browse the Internet from almost any location in and around Stuart's towers. Providing such wireless service would attract more customers, resulting in more profits.

Response to Arguments

6. Applicant's arguments filed on 09/19/2007 have been fully considered but they are not persuasive.

Applicants main argument with regard to independent claims 1, 6 and 8 is that *Stuart does not disclose 1) purchase bulk bandwidth from a bandwidth grid and provide the bulk bandwidth at a core switch connected to the communications network, and 2) divide up the bulk bandwidth and distribute it to a plurality of building switches connected to the core switch, the building switches capable of supplying the divided up*

bulk bandwidth to individual tenants as in claim 1, and 1) a single point of access is "coupled to the fiber optics network infrastructure" for provision of bandwidth by network service providers; 2) a plurality of building switches are "coupled to the single point of access for delivering portions of the bandwidth to individual tenants"; and 3) wireless LAN access points are "coupled to the fiber optics network infrastructure" to provide wireless network access throughout the building, as in claim 8. Emphasis added.

Claim 6 was discussed in light of claim 1 for similar reasons.

Examiner respectfully disagrees. Stuart alone discloses all the limitation as amended in claims 1, 6 and 8 either explicitly or implicitly. Stuart discloses providing network access to towers building using the latest fiber technology and integrated system to the towers including high speed; all the floors are linked by an optical fiber backbone, see page 1, left side paragraph 1, and page 6, integrating IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, enabling centralized monitoring and operation of security, building management, and interactive multimedia applications, see page 1, and assuring high bandwidth requests, see page 6 .

As to the argument of no-disclosure of Stuart of the limitations above, Stuart discloses, (under section ATM backbone, page 5), an ATM backbone that integrate voice, data and video services, the ATM backbone providing a basis for LAN (Local Area Network) interconnectivity, Stuart, also specify ATM switches at each floor for providing interconnectivity, such interconnectivity inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at

individual floors) connected to the LAN. Also purchasing bandwidth in bulk is inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit, for example a traveling business visitors must have immediate access to web browsing services, because it is more desirable to have and already established Internet connection for a new visitor (as well as old ones) to avoid the cumbersome steps required for a single Internet connection provisioning, it is also implicit and convenient to negotiate the bandwidth purchase from an available Internet provider given the shared bandwidth aspect of the optical backbone, given the cost reduction and profit driven approach of Stuart. Therefore, aggregating the network bandwidth needs of the building by purchasing bulk bandwidth from a bandwidth grid and providing the bulk bandwidth at a core switch connected to the communications network; and delivering the network bandwidth to building tenants as needed by dividing up the bulk bandwidth and distributing the divided up bulk bandwidth to a plurality of building switches connected to the core switch, the building switches capable of supplying the divided up bulk bandwidth to individual tenants is met by the teaching of Stuart.

As to independent claims 2-5, 7, applicant alleged that since these claims depend from allowable claims, they are allowable.

Examiner respectfully disagrees for the reasons stated above with regard to respective parent claims.

Applicants also alleged that a prima facie case was not established given the teaching of Stuart alone or in combination with Cook, and Cutrer. Examiner respectfully disagrees for the reason indicated in the rejections above.

Examiner believes, given the prior art of record, and given the most reasonable broadest interpretation of the claims limitations, the rejection above is proper.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See form PTO-892.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 7-5:30.


Application/Control Number:
10/600,892
Art Unit: 2616

Page 15

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHMED ELALLAM
Examiner
Art Unit 2616
11/25/07


CHI PHAM
SUPERVISORY PATENT EXAMINER 11/26/07